

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRYCE FRANKLIN,

Petitioner,

vs.

No. CV 18-00413 JCH/KRS

ALISHA LUCERO,

Respondent.

ORDER TO CURE DEFICIENCY

Petitioner has submitted a habeas corpus petition. The Court determines that Petitioner's submission is deficient because Petitioner has not paid the \$5 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs. When Petitioner instituted this proceeding, he sent a transmittal letter indicating that he was enclosing "a 5\$ filing fee." (Doc. 2). However, no \$5 filing fee was enclosed, and Petitioner did not submit an Application to Proceed *in forma pauperis*. Petitioner must cure this deficiency within thirty (30) days from entry of this Order by *either* paying the full \$5 filing fee *or* submitting an Application to Proceed in District Court Without Prepaying Fees or Costs including a certified copy of Petitioner's inmate account statement for the 6-month period immediately preceding this filing. *See* 28 U.S.C. § 1915(a)(2). Failure to cure the designated deficiency within thirty (30) days from entry of this Order may result in dismissal of this action without further notice.

IT IS ORDERED that within thirty (30) days of entry of this Order, Petitioner *either* pay the full \$5 filing fee *or* submit an Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Petitioner's inmate account statement for the 6-

month period immediately preceding this filing; and the Clerk is directed to mail to Petitioner a copy of this order and two (2) copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

A handwritten signature in black ink, appearing to read "Kevin Smeagala". The signature is written in a cursive, somewhat stylized font. The first name "Kevin" is written in a smaller, more compact script, while the last name "Smeagala" is written in a larger, more flowing script. The signature is positioned above a horizontal line.

UNITED STATES MAGISTRATE JUDGE